



Suite 2800 1100 Peachtree St. Atlanta GA 30309-4530 t 404 815 6500 f 404 815 6555 www.KilpatrickStockton.com

July 20, 2005

direct dial 404 815 6367 direct fax 404 541 3348 JPratt@KilpatrickStockton.com

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Re:

Letter in Response to Patent Term Adjustment Letter from the

Commissioner of Patents Office dated March 30, 2005

regarding U.S. Application No. 09/783,354 (U.S. Patent No. 6,908,656)

Our File: IRC293 – I4060-205649

Dear Sirs:

This letter replies to the Patent Term Adjustment letter issued by the U.S. Patent Office on March 30, 2005, in response to the Applicant's Application for Patent Term Adjustment filed on October 15, 2004.

According to the Patent Office's letter of March 30, 2005, the request for reconsideration was held in abeyance subject to the issuance date being set by the Office of Patent Publications. The Applicant was advised that a letter may be submitted to the Office within two months of the issuance of the patent if, at the time of issuance of the patent, the appropriate adjustment under 37 C.F.R. §1.702(b) had not been accorded. The patent issued on June 21, 2005 and according to Patentee's calculations the appropriate adjustment under 37 C.F.R. §1.702(b) has not been accorded.

The term of the patent has been adjusted by 157 days. Patentees' Assignee hereby requests that the term of the patent be adjusted by a total of 277 days.

According to the Patent Term Adjustment History on Public PAIR, the Patent Office has accorded the Patentee with a delay of 120 days due to the filing of a "Miscellaneous Letter" on October 13, 2004. A copy of the Patent Term Adjustment History for the referenced patent is attached as Exhibit A The "Miscellaneous Letter" is a "Response to Notice of Allowance" requesting the initialing of PTO form PTO/SB08a filed with the Patent Office on September 15, 2005. A copy of the "Response to Notice of Allowance" as filed on October 13, 2004 is attached as Exhibit B.

ATLLIB02 188320.1

Commissioner for Patents July 20, 2005 Page 2

As this "Response to Notice of Allowance" was filed to correct an omission on the part of the Patent Office and not to request the amendment of the application under 37 C.F.R §1.312 after issuance of a Notice of Allowance, Patentees and their Assignee do not believe that the accord of the 120 day delay is justified and ask that the accord of the 120 day delay be removed. With the removal of the 120 day Applicant delay, the Patent Term Adjustment History should read: USTPO Delay (PTO): 493 days and Applicant Delay (APPL): 216 days. Therefore, the Total PTA should read 277 days.

Should the Commissioner have any questions regarding the above, the Commissioner is respectfully requested to contact Assignee's representative at 404.815.6367.

John S. Pratt

JSP/MAC Enclosures

JUL 2 2 2005

Printer Friendly 09/783,354 ORTHOGONALLY AMBIGUOUS CARPET TILE

Patent Term Adjustment History

v ř

Patent Term Adjustment (PTA) for Application Number: 09/783,354						
1 4450114			1		Days	
Fili	ing or 371(c) Date:	02-14-2001	U.S	SPTO Delay (F		
Issue Date of Patent: 06-21-2005				Three Years: -		
				icant Delay(APPL): 336		
Post-Issue Petitions (days): +0					PTA: 157	
USPTO Adjustment(days): +0 Explanation Of Calculations						
		Term Adjust				
Date				APPL (Days)		
06-21-2005	Patent Issue Date	Used in PTA (Calculation	123		
06-01-2005	PTA 36 Months	····		370		
05-24-2005	Workflow - Query	Request - Fin	nish	₽		
	Workflow - Query			<u>^</u>		
	Receipt into Pubs			1		
	New or Additiona	l Drawing File	ed	^	37	
	Workflow - Query			1	个	
04-22-2005	Receipt into Pubs			仓	企	
04-22-2005	Receipt into Pubs			1	介	
04-22-2005	Receipt into Pubs			û	仓	
04-05-2005	5-2005 Dispatch to FDC				仓	
04-05-2005	Dispatch to FDC		1	仓		
04-05-2005	Application Is Co	nsidered Ready	y for Issue	1	企	
04-01-2005	Receipt into Pubs			1	仓	
03-30-2005	Petition Decision	- Dismissed		Ŷ.	介	
02-02-2005	Receipt into Pubs			û	仓	
02-02-2005	Receipt into Pubs			₽	仓	
12-10-2004	Workflow - Query	Request - Fin	ish	1	ſ	
11-23-2004	Workflow - Query	Request - Be	gin	1	介	
10-20-2004	Receipt into Pubs			4	仓	
10-20-2004	Receipt into Pubs			1	仓	
10-20-2004	Receipt into Pubs			1	仓	
	Workflow - File S	ent to Contrac	tor	↑	Ŷ	
10-18-2004	Issue Fee Paymen	t Verified		1	℩	
	Issue Fee Paymen	10 01 01		1	·	
10-15-2004	Petition Entered			<u>↑</u>	介	
10-13-2004	Miscellaneous Inc	oming Letter		↑	120	
10-04-2004	Mail Notice of Al	lowance		•	1	
10-04-2004	Mail Examiner's A	Amendment		Ŷ.	♪	
09-30-2004	Issue Revision Co	mpleted		1	<u> </u>	
09-30-2004	Examiner's Amen	dment Commu	ınication	1	介	
	Notice of Allowar	nce Data Verifi	ication	4	Tr.	

09-30-2004 Completed		
09-30-2004 Notice of Allowability	仓	1î
08-20-2004 IFW TSS Processing by Tech Center Complete	4	1
08-20-2004 Date Forwarded to Examiner	企	1
08-02-2004 Reference capture on IDS	<u> </u>	1
08-02-2004 Information Disclosure Statement (IDS) Filed	<u> </u>	21
07-16-2004 Workflow incoming amendment IFW	₽	
07.10.2004 D	<u> </u>	
06-21-2004 Response after Non-Final Action Mail Examiner Interview Summary (PTOL - 413)	Ŷ	· · · · · ·
413)		
06-21-2004 Mail Supplemental Non-Final Action	<u> </u>	
06-18-2004 Supplemental Non-Final Action	1	
02-25-2004 Examiner Interview Summary Record (PTOL - 413)	4	
12-17-2003 Mail Non-Final Rejection	1	
12-15-2003 Non-Final Rejection	₽	
10-24-2003 Case Docketed to Examiner in GAU	₽	
10-08-2003 Date Forwarded to Examiner	1	
09-15-2003 Response after Non-Final Action	1	
09-15-2003 Information Disclosure Statement (IDS) Filed	4	
09-12-2003 Information Disclosure Statement (IDS) Filed	1	
06-16-2003 Mail Non-Final Rejection	1	
06-14-2003 Non-Final Rejection	1	
05-19-2003 Notice of Appeal Filed	1	
05-19-2003 Request for Extension of Time - Granted	1	
05-13-2003 Miscellaneous Incoming Letter	企	
05-07-2003 Mail Advisory Action (PTOL - 303)	<u>↑</u>	
05-06-2003 Advisory Action (PTOL-303)	₽	
05-01-2003 Date Forwarded to Examiner	企	
05-01-2003 Date Forwarded to Examiner	1	
04-25-2003 Letter Requesting Interview with Examiner	1	· - · · · · · · · · · ·
04-11-2003 Supplemental Response	仓	11
03-31-2003 Amendment after Final Rejection	1	1
03-12-2003 Mail Advisory Action (PTOL - 303)	1	
03-10-2003 Advisory Action (PTOL-303)	<u>↑</u>	
03-06-2003 Date Forwarded to Examiner	₽	
02-27-2003 Amendment after Final Rejection	₽ P	-
01-23-2003 Mail Final Rejection (PTOL - 326)	₽	
01-22-2003 Final Rejection	<u> </u>	
12-23-2002 Information Disclosure Statement (IDS) Filed	<u>↑</u>	38
11-19-2002 Date Forwarded to Examiner	1	1
11-15-2002 Response to Election / Restriction Filed	1	1
10-30-2002 Mail Restriction Requirement	<u>↑</u>	
10-30-2002 Requirement for Restriction / Election	1	
10-30-2002 Requirement for Restriction? Discussi	<u> </u>	

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	ate Forwarded to Examiner	1r	4
08-13-2002 In	nformation Disclosure Statement (IDS) Filed	企	1
08-13-2002 Re	esponse after Non-Final Action	①	46
08-13-2002 Re	equest for Extension of Time - Granted	企	1
06-18-2002 Ex	xaminer Interview Summary Record (PTOL	介	^
06-18-2002 P€	etition Decision - Granted	介	•
06-17-2002 A	pplication Dispatched from OIPE	企	4
06-17-2002 A ₁	pplication Is Now Complete	①	· ·
06-17-2002 Pr	re-Exam Office Action Withdrawn	企	1
06-04-2002 Pe	etition Entered	Û	1
03-28-2002 M	fail Non-Final Rejection	仓	₽
	on-Final Rejection	介	
	ase Docketed to Examiner in GAU	企	
	ase Docketed to Examiner in GAU	企	
03-30-2001 A ₁	pplication Dispatched from OIPE	介	
	orrespondence Address Change	介	
03-14-2001 IF	W Scan & PACR Auto Security Review	介	
02-14-2001 In	nitial Exam Team nn	仑	



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Attorneys at Law

OCT 1 3 2004

Suite 2800 1100 Peachtree St. Atlanta GA 30309-4530 t 404 815 6500 f 404 815 6555 www.KilpatrickStockton.com

October 13, 2004

direct dial 404 745 2458 direct fax 404 541 3160 MCogburn@KilpatrickStockton.com

FAX

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, SYATE, COUNTRY
Examiner Cheryl Juska Art Unit 1771	703 872 9306	United States Patent & Trademark Office Washington, D.C.

Margaret A. Cogburn, Paralegal	22
FROM	PAGES (WITH COVER)
6408	I4060/205649
REFERENCE NO	CLIENT/MATTER NO.

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COMMENTS

Please acknowledge receipt of the enclosed:

1) Response to Notice of Allowance

For:

Applicant(s): Daniel

Application No.: 09/783,354 Filing Date: February 14, 2001

Title: Orthogonally Ambiguous Carpet Tile Attorney Docket No. IRC293 14060/205649

KJD/MAC

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TRANSMISSION RECEIPT DATE/TIME:					
COMPLETED BY: JOB CODE					

PAGE 1/22 * RCVD AT 10/13/2004 4:30:51 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:404 815 6555 * DURATION (mm-ss):12-54

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OCT 1 3 2004

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Sydney D. Daniel)
Serial No. 09/783,354) Art Unit: 1771)
Filed: February 14, 2001) Examiner: Juska, Cheryl Ann)
For: Orthogonally Ambiguous Carpet Tile))) Atty Docket: IRC293 – I4060/20 5649

RESPONSE TO NOTICE OF ALLOWANCE

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22323-1450

Sir:

In Response to the Notice of Allowance mailed October 4, 2004, Assignee respectfully requests that the Examiner issue a Supplemental Notice of Allowability acknowledging the consideration of the prior art filed with the Supplemental Information Disclosure Statement on September 15, 2003.

After a review of the Notice of Allowance and the two Office Actions issued by the Examiner in this case after the submission of the Supplemental Information Disclosure Statement on September 15, 2003, Assignee can find no evidence that the reference cited in the Supplemental Information Disclosure Statement was reviewed or considered by the Examiner. Therefore, Assignee requests that the Supplemental Information Disclosure

I hereby certify that this correspondence and all documents referred to as enclosed are being facsimile transmitted to: AFTER FINAL, U.S. Patent and Tradernark Office, fax no. 703-872-9306, on October 13, 2004.

Margaret A Cogburn

ATULIEDZ 169661.1

Serial No. 09/783,354 Response to Notice of Allowance Page 2

Statement filed with the United States Patent Office on September 15, 2003 be considered. A copy of the Supplemental Information Disclosure Statement and cited reference are enclosed for the Examiner's review. A copy of Rightfax Auto-Reply Facsimile Transmission showing receipt of the Supplemental Information Disclosure Statement and cited reference by the United States Patent Office is also enclosed. Assignee requests that the Examiner attach an initialed copy of the PTO/SB/08a form with the issuance of the Supplemental Notice of Allowability.

Should the Examiner have any questions regarding the above, the Examiner is respectfully requested to contact Assignee's representative at the telephone number listed below.

Respectfully submitted,

Kristin L. Johnson Reg. No. 44,807

KILPATRICK STOCKTON LLP 1100 Peachtree Street Suite 2800 Atlanta, Georgia 30309-4530 (404) 815-6389 89/15/83 16:36:35

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Page 881

TO:Auto-reply fax to 404 B15 E555 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 404 815 6555

Fax Information

Date Received:

9/15/03 4:12:52 PM [Eastern Daylight Time]

Total Pages: 42 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TIMEP) section 306 et seq.

Received Cover Page

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OCT 1 3 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Daniel et al.

Serial No.:

09/783,354

Art Unit:

1772

Filed:

February 14, 2001

Examiner:

Cheryl Ann Juska

For:

ORTHOGONALLY AMBIGUOUS CARPET TILE

Attorney Docket No. IRC293 I4060/205649

Commissioner for Patents U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, Virginia 22313-1450 CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this Response to Office Action and all documents referred to as exclused are being facsimile transmitted to: U.S. Patent and Trademark Office on September 15, 2003, BEFORE FINAL fax no. 703-872-9310 at TC1700 (ART UNIT 1772) and personally to Examiner Juska at fax number 703.872-9472.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), enclosed are copies of the references listed on the attached modified Form PTO-08A.

The undersigned concedes that the identified material constitutes prior art within the meaning of the United States patent laws.

The Commissioner is hereby authorized to charge the applicable fees to Deposit Account No. 11-0855.

John S. Pratt

Reg. No. 29,476

Attorney for Assignee

KILPATRICK STOCKTON LLP 1100 Peachtree Street, Suite 2800 Atlanta, Georgia 30309 404.815.6367 Available Copy

PTO/3B/068 (04-03)
Approved for use through 04/30/2003, OMB 0651-0031
U.S. Patent and Tredemark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1448/PTO		re required to respond to a collection of information unless it contains a velid OMB control number. Complete if Known			
				Application Number	09/783,354
INF	DRMATION	DIS	CLOSURE	Filing Date	02/14/2001
(Use as many sheets as necessary)			PPLICANT	First Named Inventor	Daniel et el.
				Art Unit	1772
			eacssury)	Examiner Name	Cheryl Ann Juska
Sheet	1	of	1	Attorney Docket Number	IRC293 I4060/205649

Examiner	Cite	NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of	_
Initials*	No.1	the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	۲
	 - 	"Milstar Free-Lay Tiles," brochure by Milliken, admitted prior art.	
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Examiner		Date	,
Signature		Considered	
WALKINGS, A			<u></u>

if you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

^{*}EXAMINER: Initial if reference considered, whether or not clisticn is in conformance with MPEP 808. Draw line through cliation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unders clisticn designation number (optional). 2 Applicant is to piece a check mark here if finglish tanguage Transition is extended. This collection of information is required by 37 CPR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an explication. Confidentially it governed by 35 U.S.C. 122 and 37 CPR 1.14. This collection is estimated to take 120 minutes in complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of the your require to complete this form and/or suggestions for reducing little be sent to the Cliffe information Officer, U.S. Patent and Trademark Office, U.S. Department of Cammerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.